

Appl. No. 10/657,003
Amdt. Dated 11/04/2004
Reply to Office Action of 8/04/2004

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. The specification has been amended to include reference numbers 27 and 28. Applicant has reviewed the specification in detail and believes no further errors exist therein. The drawings have also been amended to remove reference numerals 22, 10" and 12" (see Proposed Drawing Modifications included herewith). Claims 9, 15 and 19 have been amended to remove the Velcro limitation rejected under 35 U.S.C. 112.

The examiner has rejected claims 1-5 and 8 under 35 U.S.C. § 102(b) as being anticipated by the Gallagher reference. Applicant respectfully submits the examiner has mischaracterized the Gallagher reference. Applicant's dependent claims 4 and 11 require the top portion of the front portion to have a width greater than a width of the bottom portion the front portion (see applicant's FIGS. 1 and 4). Neither Gallagher nor any prior art of reference discloses such a structural description. Both Gallagher and Tassie teach top portions having widths equal to or narrower to the widths of their respective bottom portions (see Gallagher's FIG. 2 and Tassie's FIG. 1). Upon the examiner's approval, applicant will rewrite dependent claims 4 and 11 into independent form to include all the limitations of their base claims and any intervening claims respectively. Applicant's independent claim 16 includes the above-noted recitation and therefore is believed to be in condition for allowance.

Applicant further asserts the requirements of dependent claims 5, 12 and 17 are neither taught nor made obvious by the prior art of record because no reference considered individually or in combination with another reference discloses outer edge portions converging downwardly towards each other and ending at the bottom portion of the front portion and generally at the longitudinal axis. Again, both Gallagher and Tassie teach top portions that have width equal to or narrower to the widths of their respective bottom portions (see Gallagher's FIG. 2 and Tassie's FIG. 1). Applicant respectfully submits the examiner has mischaracterized Gallagher's outer edge portion for its front portion (11, 12). Upon the examiner's approval, applicant will rewrite dependent claims 5, 12 and 17 into independent form to include all the limitations of

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their base claims and any intervening claims respectively.

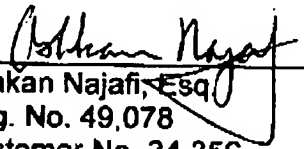
Applicant further asserts the recitations of dependent claim 6 and independent claims 10 and 16 require the securing means to include a first strap having first and second end portions connected to one of the outer edge portions and removably attachable to another one of the outer edge portions. Gallagher simply doesn't teach any straps. Tassie teaches straps that do not anticipate applicant's specific structural recitation as noted hereinabove. Tassie's straps are connected to its back portion (B) as shown in the figure provided by the examiner. No straps are connected to its outer edge portion of the front portion. In fact, Tassie teaches away from the claimed invention because it discloses four separate straps (E, E, F, F) wherein straps F, F are removably engageable with each other and not the shirt's outer edge portions. Applicant further submits even if Tassie were somehow construed to disclose applicant's claimed recitations relating to the strap, there is simply no suggestion, teaching or motivation in Gallagher to include Tassie's straps. A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. See *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable. All dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

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Respectfully submitted,
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